

Application Serial No.: 10/763,884
Amendment and Response to July 28, 2005 Non-Final Office Action

REMARKS

Claims 1 -15, 17, and 18 are in the application. Claims 1, 15, 17, and 18 are currently amended and claims 2-14 remain unchanged from the original versions thereof. Claim 16 is canceled. Claims 1, 15, 17 and 18 are the independent claims herein.

No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 102(e)

Claims 1, 4-6, 10-15, 17 and 18 were rejected as being anticipated by Adamczyk, U.S. Publication No. 2004/0151284 A1 (hereinafter, Adamczyk). This rejection is respectfully traversed.

The independent claims herein relate to a method (claims 1 and 16), an article of manufacture (claim 17), and an apparatus (claim 18) including converting a voice mail message to a recipient to an instant message; determining an instant message address associated with the recipient; and sending the instant message and the voice mail message to the instant message address. Thus, it is clear that Applicant claims sending the instant message of the converted voice mail and the voice mail to the instant message address of the recipient. Support for the amendments may be found in the original specification at least on page 6, ln. 30 – page 7, ln. 1.

Applicant's claims are distinguishable from the cited and relied upon Adamczyk for at least claiming sending the instant message and the voice mail message to the instant message address. In particular, when describing a method in accordance with various embodiments therein, Adamczyk explicitly discloses, "[A]n option provided by the user interface can be whether to leave a conventional voice mail message or to transmit an instant message to the other subscriber." (emphasis added)(See Adamczyk, para. [0066], ln. 12-15) Thus, the disclosed Adamczyk process provides, in response to a receiving a voice mail message, leaving a conventional voice mail message or

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transmitting an instant message to the subscriber. That is, Adamczky discloses either leaving the (original) voice mail or transmitting an instant message (an encoding of the voice mail). Adamczky discloses transmitting only one of the voice mail and instant message to the subscriber.

Applicant's claimed method, apparatus, and article of manufacture that relate to sending an instant message (a converted voice mail message) and the voice mail message to an instant message address may be beneficial in the context of a meeting where the recipient of the voice mail is not able to use all of a number of communication systems. For example, the recipient may be in a meeting where playback of an audible voice mail may be disruptive to the meeting but viewing of an instant message is acceptable. Accordingly, the sending of both the instant message and the voice mail message to the instant message address of the recipient provides the recipient the opportunity to, for example, receive a message in a format suitable to the recipient. Applicant's original specification discusses this sort of context or problem on page 1 thereof.

Thus, the claimed sending of an instant message and the voice mail message to the instant message address of a recipient is significantly useful. Moreover, such claimed aspects are not disclosed or even suggested in the cited and relied upon Adamczky.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 15, 17, and 18 under 35 USC 102(e). Claims 4-6 and 10-15 depend from claim 1. For at least the same reasons provided herein for the patentability of claim 1, Applicant respectfully submits that claims 4-6 and 10-15 are also patentable over Adamczky under 35 USC 102(e), and requests the reconsideration and withdrawal of the rejection thereto.

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Claim Rejections – 35 USC § 103(a)

Claims 2 and 3 were rejected as being unpatentable over Adamczky in view of Hanson et al. U.S. Patent No. 6,697,474 B1 (hereinafter, Hanson). This rejection is respectfully traversed.

Inasmuch as Adamczky fails to disclose, or even suggest, that for which it is cited and relied upon, the combination of Adamczky and with the asserted Hanson is insufficient to support the rejection of claims 2 and 3 under 35 USC 103(a). That is, the alleged combination of Adamczky and Hanson does not correct the failings of Adamczky.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 2 and 3 under 35 USC 103(a).

Claims 7 and 8 were rejected as being unpatentable over Adamczky in view of Agraharam et al. U.S. Patent No. 6,654,448 B1 (hereinafter, Agraharam). This rejection is respectfully traversed.

Applicant respectfully reiterates that Adamczky fails to disclose, or even suggest, that for which it is cited and relied upon. Furthermore, the combination of Adamczky and with the asserted Agraharam fails to sufficiently support the rejection of claim 7 under 35 USC 103(a). That is, the alleged combination of Adamczky and Agraharam does not overcome the failings of Adamczky.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 7 under 35 USC 103(a).

Claim 9 was rejected as being unpatentable over Adamczyk in view of U.S. Patent No. 6,507,643 B1 (hereinafter, Groner). This rejection is respectfully traversed.

Again, Applicant respectfully submits that Adamczky fails to disclose, or even suggest, that for which it is cited and relied upon. Also, the combination of Adamczky and with the asserted Groner fails to support the rejection of claim 9 under 35 USC

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103(a).

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 9 under 35 USC 103(a).

Claim 16 was rejected as being unpatentable over Groner in view of Hanson. This rejection is moot in light of the cancellation of claim 16. Accordingly, Applicant requests the withdrawal of this rejection.


CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (650) 694-5339.

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Respectfully submitted,

SIEMENS CORPORATION
Customer Number: 28524
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, IP Department
Telephone: (732) 321-3026

By: 
David D. Chung
Registration No. 38,409
Attorney for Applicants
Tel: 650-694-5339
Fax: 650-968-4517